

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1589**

**Introduced by Assembly Member Simitian**

February 23, 2001

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An act to add Section 2028 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as amended, Simitian. Healing arts: electronic transmission prescriptions.

Existing law, the Medical Practice Act, creates the Medical Board of California and requires it to perform various duties relating to the practices of physicians and surgeons and other healing arts practitioners.

This bill would require the board to ~~study~~ *consult with the California State Board of Pharmacy and commission a study that evaluates* the electronic transmission of prescriptions by physicians and surgeons and report its results to the Legislature *on or before May 1, 2002* ~~January 1, 2003~~. The bill would specify that the board's report include recommendations to encourage physicians and surgeons to use this method to transmit prescriptions and identify systems to protect patients, including the issuance of a digital certification, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds, based upon a report entitled “To Err is Human, Building a Safer Health System,” a report issued in 1999 by the Institute of Medicine, that in 1993, approximately 7,000 deaths occurred in the United States as a result of medication errors.

(b) The Legislature further finds, based on information from the Institute for Safe Medicine Practices, the following:

(1) Of the three billion prescriptions issued each year in the United States, nearly all of them are handwritten by the physician and surgeon issuing the prescription.

(2) Illegible prescriptions result in more than 150 million inquiries each year by pharmacists for clarification from the physician and surgeon who issued the prescription.

(3) While the technology exists for the electronic transmission of prescriptions, less than 5 percent of physicians and surgeons use this technology to prescribe medication.

SEC. 2. Section 2028 is added to the Business and Professions Code, to read:

2028. The Medical Board of California shall ~~conduct~~ *consult with the California State Board of Pharmacy and commission a study and report its results to the Legislature on or before May 1, 2002 January 1, 2003*, on the electronic transmission of prescriptions by physicians and surgeons. This report shall include recommendations for methods to encourage physicians and surgeons to issue prescriptions by electronic transmission and identification of systems to protect patients for whom prescriptions are issued using that process, including, but not limited to, the issuance of digital certification to physicians and surgeons to use when transmitting prescriptions electronically. “Digital certification” is an electronic signature verifying the identity of the physician and surgeon who is transmitting the prescription electronically.